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REMARKS

Applicants have thoroughly considered the Examiner's remarks and the application has been amended in light thereof. Claims 1-13, 15-35, 37-45, 48-52 and 55-56 are presented in the application for further examination. Claims 1, 5, 12, 15-18, 32, 35, 37-38 and 45 have been amended by this Amendment A. Claims 14, 36, 46, 47, 53 and 54 have been canceled and claims 55-56 have been added by this Amendment A. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action. The Arabic numerals beginning each paragraph correspond to the numbered paragraphs of the Office action.

The Examiner has objected to the drawings because they do not include reference character 100. A substitute Figure 1 is being submitted herewith including reference character 100. In addition, the specification has been amended to indicate that the exemplary method is referred to by reference character 100. Thus, the objection to the drawings may be withdrawn.

The specification has been objected to at page 11, line 3. "More frequently" has been changed to "less frequently" so that the objection may be withdrawn.

The claims have been objected to because of improper order. Claims 53 and 54 have been canceled and replaced by claims 55 and 56. Thus, this objection has been overcome and may be withdrawn.

The claims are objected to under 35 U.S.C. §112. The Examiner objects to "the determined assortment of feminine care products" in claim 1 as lacking antecedent basis.

Applicants do not understand the Examiner's rejection and request that the rejection be clarified or withdrawn. Claim 1, lines 3-5 indicate "determining...an assortment of feminine care products" which provides proper antecedent basis for "the determined assortment of feminine care products." Claim 4 has been amended to be consistent with claim 1. Claim 12 has been similarly amended. Claim 35 has been amended to refer to the collecting information step of claim 32. Claim 45 has been amended to refer to "a group." Thus, it is believed that the claims are in compliance with 35 U.S.C. §112 so that the rejection may now be withdrawn.

Claims 32, 35, 40, 44 and 53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Unger (6,093,027). Claim 32 has been amended to indicate that the information collected includes sleeping habits and that the recommendation is based on sleeping habits as well as monthly cycle. Since Unger fails to teach this aspect of the invention, this rejection may be withdrawn. The patentability of claim 32 and the claims depending therefrom will be addressed below with regard to the rejection applied to claim 36 which originally presented the sleeping habits as part of the collected information. Claim 36 has been canceled so that the subject matter of claim 36 now appears in claim 32.

Claims 1-3, 6-21 and 23-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swartz (2002/0050526) in view of Unger. Claims 1 and 18 have been amended to indicate that the consumer is prompted to place another purchase order for products corresponding to the determined assortment of feminine care products. This

amendment corresponds to the subject matter of claim 14. This subject matter has been added to claims 1 and 18 and claim 14 has been canceled. Thus, the rejection of claim 14 is applicable to amended claims 1 and 18. The Examiner notes "the system could require that a customer respond to a confirmation notice such as an e-mail message or an automated telephone query" citing paragraph 136 of Swartz. However, this recital in Swartz relates to confirming, canceling or rescheduling a delivery. In contrast, claim 1 has been amended to specify "prompting the consumer to place **another** purchase order for products corresponding to the determined assortment of feminine care products." There is no suggestion in Swartz or Unger or any of the other cited and applied references which would suggest that the consumer would be prompted to place another purchase order after the first purchase order is accepted. As amended, claims 1 and 18 distinguish over Swartz in view of Unger so that the rejection based thereon may be withdrawn. In particular, claims 2-13 and 15-31 should be allowed based on their dependency from claims 1 and 18.

Claims 4 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swartz in view of Unger and further in view of Park. The Park reference is deficient for at least the same reasons as noted above with regard to Swartz and Unger. In particular, the Park reference fails to teach prompting the consumer to purchase **another** purchase order. Thus, claims 1 and 18 and the claims depending therefrom are patentable over these references. Claims 4 and 22 depending from claims 1 and 18, respectively, are patentable for the same reasons as claims 1 and 18 so that this rejection should be withdrawn.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Swartz in view of Unger and further in view of Miller (5,947,302). Once again, claim 5 depends from claim 1 and is patentable for the same reasons as claim 1. In particular, the Miller patent fails to disclose or suggest prompting the consumer to place an another purchase order.

Claims 33 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Unger in view of Kotex.com. The subject matter of claim 36 has been added to claim 32 and specifies that the collected information includes monthly cycle and sleeping habits. Claim 32 further specifies that the recommended assortment is based on the processed information including monthly cycle and sleeping habits. The Examiner argues that Kotex asked the question "How active are you?" which would make it obvious to include activity levels as taught by Kotex. However, applicants are not reciting activity levels but are reciting monthly cycle in combination with sleeping habits. Kotex.com as well as the other references do not disclose the need for collecting sleeping habits as part of the information and do not disclose recommending an assortment based thereon so that claim 32 and the claims depending therefrom should be allowed.

Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kotex.com in view of Hogan. Claim 37 depends from claim 32 and is patentable for the same reasons as claim 32 so that this rejection may be withdrawn. Hogan is deficient for the same reason as the other references in that it fails to teach collecting

information relating to the sleeping habits of the consumer.

Claims 34, 39 and 54 stand rejected under 35 U.S.C. 103(a) as unpatentable over Unger in view of Beinggirl.com. Claim 54 has been canceled and replaced by claim 56 which depends from claim 55 which depends from claim 32. Thus, claims 34, 39, 55 and 56 are patentable for the same reasons as claim 32. Once again, applicants note that Beinggirl.com fails to disclose collecting information relating to sleeping habits and recommending an assortment based thereon. The rejection of claims 34 and 39 should be withdrawn and claims 55 and 56 added by this Amendment A should be allowed.

Claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Kotex.com and further in view of Beinggirl.com. Claim 38 depends from claim 32 and is patentable for the same reasons as claim 32. As noted above, the cited references fail to disclose collecting sleeping habit information and making a recommendation based thereon. Thus, claim 38 should be allowed.

Claim 41 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Unger in view of Park. Claim 41 depends from claim 32 and is patentable for the same reasons as claim 32. Thus, this rejection should be withdrawn.

Claims 42 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Swartz. Claim 43 depends from claim 42 which depends from claim 32. Thus, claims 42 and 43 are patentable for the same reasons as claim 32 so that the rejection should be withdrawn.

Claims 45, 48, 49, 51 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Park. Claim 45 has been amended to specify that the consumer is prompted to purchase a product including at least one additional product including menstrual cramp medication. The Examiner argues that the teaching in Park relating to "aids" suggests menstrual cramp medication. Applicants disagree and request the Examiner cite a reference to teach such or allow claim 45 and the claims depending therefrom. Thus, it is submitted that claims 45, 48, 49, 51 and 52 are patentable and that the rejection should be withdrawn.

Claims 46, 47 and 50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swartz in view of Park and Unger. Claim 46 has been canceled. Claims 47 and 50 depend from claim 45 and are patentable for the reasons noted above with regard to claim 45. In particular, Swartz, Park and Unger fail to disclose prompting a consumer to purchase a product and at least one additional product including menstrual cramp medication. Thus, claims 47 and 50 should be allowed and the rejection removed.

Applicants note that none of the other art cited by the Examiner is relevant to the amended claims. Thus, it is submitted that all rejections should be withdrawn.

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CONCLUSION

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

If there are any additional charges in this matter, please charge Deposit Account No. 19-1345.

Respectfully submitted,

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